D.B. CIVIL WRIT PETITION(PIL)NO.5268/2006

Jaggan Nath
Vs.
State & Ors.

Date of Order :: 09-10-2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Rakesh Arora, for the petitioner.

This writ petition has been filed purportedly as a public interest litigation challenging acquisition of certain lands of village Bhilon-ka-Bedla, Patwar Halka Sapetia within Girva Tehsil of Udaipur District. The lands are sought to be acquired vide notification dated 15.7.2005 under Section 4 of the Land Acquisition Act . It is said that earlier also the lands were proposed to be acquired under notification dated 15.3.1996 but on reconsideration the lands were released from acquisition on 16.11.1999. After fresh process was initiated, a meeting presided over by the District Collector was held which attended by the Local Members of Parliament and the State Legislative Assembly among other public representatives and government officials on 13.2.2006. A decision was taken to cancel the proposed acquisition. The Senior Town Planner also expressed his view that the land which is part of the green belt for industrial

purpose was suitable only for agriculture purpose but without taking into consideration these objections and public protest, the land is being acquired.

We are of the view that while making judicial review under Article 226 of the Constitution of India, this Court can interfere in the matter of acquisition of land only when the acquisition is not for public purpose or is made in colourable exercise of power or actuated by malafide. The proper course in the circumstances appears to be permit the petitioner, if so advised, to make representation to the Government.

Counsel for the petitioner submitted that he may be allowed to withdraw the petition so that petitioner may file representation before the Government.

The writ petition is dismissed as withdrawn with liberty to the petitioner approach the Government.

[MOHAMMAD RAFIQ],J. [S.N.JHA],CJ.

Praveen